

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educators)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of John L. Strain)	
)	
Certificate # 191130)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 13, 2003. On March 12, 2003, the State Department of Education (Department) sent Mr. John L. Strain a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educators certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Mr. Strain received the notice, as evidenced by his written request for a hearing received on March 21, 2003. Mr. Strain requested a private hearing, which was held on April 25, 2003, before John Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Mr. Strain was duly notified of the hearing but failed to appear. After considering the evidence presented by the School District of Greenville County, Mr. Fantry recommended that the State Board suspend Mr. Strain's certificate #191130 for a period of one year from the date of the hearing. After considering the evidence provided in the hearing officer's report, the State Board voted to suspend Mr. Strain's certificate for one year.

FINDINGS OF FACT

Mr. Strain holds a valid certificate, and has over twenty-six years of teaching experience. He was under contract with the Greenville County School District (District) for the 2002-2003 school year, as a teacher at League Academy. Mr. Strain received written reprimands from Principal Merry Cox on May 31, 2002, and on August 12, 2002,

that expressed Ms. Cox's concerns about Mr. Strain's failure to follow school procedures. On September 24, 2002, Ms. Cox wrote Mr. Strain advising him that she learned of his intent to resign, and directing him to the District Policy Manual for the necessary steps to follow. On October 1, 2002, Mr. Strain submitted a written letter of resignation to the District Superintendent, Dr. Harner, claiming he was unfairly singled out by his principal. On October 14, 2002, Dr. Harner wrote Mr. Strain that Mr. Strain's resignation was in violation of his contract and District policy. Mr. Strain did not return to the classroom or communicate again with the District. On November 14, 2002, the District Board voted to file a complaint with the State Board alleging breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Mr. Strain's certificate # 191130 for a period of one year from April 25, 2003 through April 24, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if he wants his certificate reinstated, Mr. Strain may make a written request for reinstatement to the Office of Teacher Education and Certification of the Department.

South Carolina State Board of Education

By: /S/ Greg Killian

Greg Killian

Chair

Columbia, South Carolina

May 13, 2003

